

State of Arizona  
Senate  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 26

# SENATE BILL 1213

AN ACT

AMENDING SECTION 41-1609, ARIZONA REVISED STATUTES; AMENDING LAWS 1992, EIGHTH SPECIAL SESSION, CHAPTER 2, SECTION 5; AMENDING LAWS 1993, CHAPTER 230, SECTION 2; RELATING TO THE STATE DEPARTMENT OF CORRECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-1609, Arizona Revised Statutes, is amended to read:

41-1609. Agreements with federal or private agencies and institutions; contract review; emergency contracts

A. The department may enter into agreements with the federal government, other states or agencies of the federal government or other states for such compensation upon which they agree to accept or deliver adult offenders or to administer correctional programs. Notwithstanding the provisions of section 35-193, any funds received by the department under the agreements shall be kept in a separate revolving fund for current usage and shall not revert to the state general fund if unexpended at the close of a fiscal year.

B. The department may contract with any private or public institution that is located inside or outside this state for facilities or the operation of facilities that are dedicated to the confinement of persons who are committed to the department. NOTWITHSTANDING CHAPTER 4, ARTICLE 7 OF THIS TITLE AND ARTICLE 4 OF THIS CHAPTER, THE CONTRACT MAY INCLUDE A PURCHASE OPTION AND IF THE CONTRACT HAS A PER DIEM PROVISION THE CONTRACT MAY INCLUDE A PROVISION THAT ALLOWS A PORTION OF THE PER DIEM TO BE APPLIED TO REDUCE THE PURCHASE PRICE.

C. The department shall submit all contracts entered into pursuant to subsection B of this section to the attorney general to determine if the contract is within the authority granted under the laws of this state and in proper form. All contracts involving the detention or incarceration of adult offenders shall conform to the requirements of section 41-1609.01.

D. Notwithstanding subsection C of this section, the department may enter into emergency contracts pursuant to section 41-2537 with private or public institutions for facilities or the operation of facilities that are dedicated to the confinement of persons who are committed to the department.

E. The director may declare an emergency for acts of God, natural catastrophes, prison riots and overcrowding. In an emergency, the director shall:

1. Confine persons who are committed to the department in EITHER OF THE FOLLOWING:

(a) An existing public INSTITUTION. or

(b) A private facility established pursuant to sections 41-1609.01 and 41-1609.02 INSTITUTION THAT IS DESCRIBED IN SUBSECTION B OF THIS SECTION.

2. Up to twenty-four hours before declaring the emergency, notify the governor and the attorney general of the emergency and the need to relocate persons who are committed to the department to another existing public or private facility established pursuant to sections 41-1609.01 and 41-1609.02.

3. Within thirty days after declaring the emergency, determine the length of the emergency confinement. If the director determines that the

1 emergency confinement will exceed six months in duration, the emergency  
2 contract shall comply with sections 41-1609.01 and 41-1609.02.

3 F. Notwithstanding subsection E, paragraph 2 of this section, if the  
4 director declares that an emergency exists due to the overcrowding of a  
5 public or private correctional facility, the director shall discuss with the  
6 governor, the attorney general and the majority and minority leadership in  
7 the senate and the house of representatives relocating the inmates from the  
8 overcrowded facility to another facility before relocating the inmates.

9 G. An emergency contract shall not exceed one year in duration.

10 Sec. 2. Laws 1992, eighth special session, chapter 2, section 5 is  
11 amended to read:

12 Sec. 5. Correctional release centers; substance abuse treatment

13 A. Notwithstanding any laws to the contrary, the department of  
14 corrections may operate the southern Arizona correctional release center as  
15 a male or female release center, and shall terminate the operation of the  
16 northern Arizona correctional release center and the new dawn correctional  
17 release center as soon as the department deems feasible. The department  
18 shall use the funding appropriated for the northern Arizona correctional  
19 release center and the new dawn correctional release center to finance the  
20 contracting of four hundred fifty secure community treatment beds to treat  
21 ~~male and female~~ inmates who have alcohol and drug problems.

22 B. The director of the department of corrections shall review all ~~male~~  
23 ~~and female offenders~~ INMATES incarcerated within the department of  
24 corrections and determine which offenders may be placed in the four hundred  
25 fifty secure community treatment beds. The criteria of the review shall  
26 include but not be limited to aggravating and mitigating circumstances, the  
27 inmate's behavior while incarcerated, the inmate's desire for treatment and  
28 the inmate's history of substance abuse.

29 Sec. 3. Laws 1993, chapter 230, section 2 is amended to read:

30 Sec. 2. Site of correctional treatment facility

31 The legislature by this act establishes a private secure community  
32 treatment facility for ~~one hundred female inmates and three hundred fifty~~  
33 ~~male~~ FOUR HUNDRED FIFTY inmates on a site in the town of Marana approved by  
34 the town council.

APPROVED BY THE GOVERNOR MARCH 29, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2001.


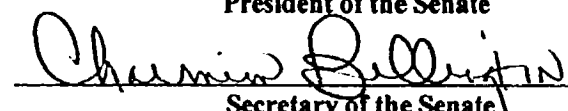


SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 27, 20 01

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

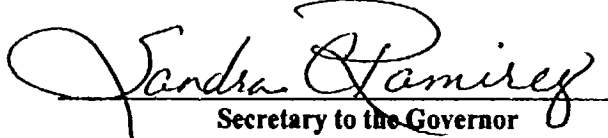
  
President of the Senate  
  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

27 day of March, 20 01,

at 11:57 o'clock A M.

  
Secretary to the Governor

APPROVED THIS 29 day of

March, 20 01,

at 3:05 o'clock P M.

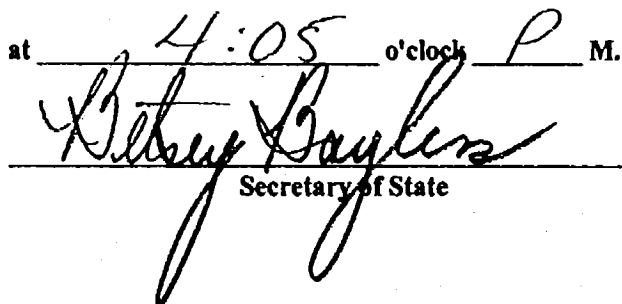
  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29 day of March, 20 01,

at 4:05 o'clock P M.

  
Secretary of State

S.B. 1213